In the High Court of Uttaranchal, at Nainital

Criminal Transfer Application No. 04/2004

Satendra Singh S/o Karan Singh,

R/o village Nadehi, P.O. Sugar Mill

Nadehi, District U.S.Nagar .....Petitioner.

Vs.

Judicial Magistrate, Haldwani,

District Nainital. .....Respondent.

Hon'ble Irshad Hussain, J.

Heard Sri Lokendra Dobhal learned counsel for the petitioner and Sri G.S. Sandhu learned A.G.A. and perused the record.

This is a petition under section 401 of the Code of Criminal Procedure for transfer of the criminal case no. 2061/2003 State versus Satendra Singh under sections 409,420,268,471 I.P.C. pending in the court of Judicial Magistrate, Haldwani, District Nainital to District Udham Singh Nagar.

The plead taken is that the place of the occurrence is situate within the district of Udham Singh Nagar. When the occurrence took place the district of Udham Singh Nagar was not in existence and this case like many others is being tried within the jurisdiction of the Nainital courts. The plea that the scene of the occurrence is situate in the district of Udham Singh Nagar and witnesses also reside there can not be taken a sufficient ground for transfer of the case. Therefore the petition lacks merit and is dismissed.

(Irshad Hussain, J.)

Dated: 6-5-2004.

ISB